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E.O. 12958: N/A
TAGS: [PREL](#) [CVIS](#) [KISL](#) [ID](#)
SUBJECT: DECISION AND GUIDANCE REQUEST ON VISA CASE OF
PRESIDENTIAL ADVISOR

REF: JKT 01571

This message is sensitive but unclassified. Please handle accordingly.

¶1. (U) The following is an action request. Please see paragraph 7.

¶2. (SBU) SUMMARY: In reftel, Post sought Department's urgent assistance in adjudicating the visa case of Director General of the Ministry of Defense, Sjafrie Sjamsoeddin so that he might travel with President Yudhoyono to the G-20. Although that meeting has passed, GOI officials at the highest levels remain keenly interested in resolving this case. To that end, the GOI has provided information which addresses allegations made against Sjamsoeddin. Post requests that CA and other relevant USG departments review the following information, inform Post of Sjamsoeddin's visa eligibility, and if needed, recourse that may be open to him. Given the high level of GOI interest in this case, Mission appreciates Department's response at the earliest possible date. END SUMMARY.

BACKGROUND

¶3. (SBU) As reported reftel, Sjafrie Sjamsoeddin applied for a diplomatic (A) visa on September 9, 2009 in order to travel with President Yudhoyono to the September G-20 meeting in Pittsburgh. His application triggered a DOS exact 00 namecheck hit. This 00 hit was added in Washington on September 21, 2006 and refers to a possible ineligibility under INA 212(a)(3)(B) - terror activities - or 212(a)(3)(E) - extrajudicial killings. Post understands that (3)(B) ineligibilities may be waived by DHS but not a (3)(E) ineligibility.

ALLEGATION THAT MAY PERTAIN TO 3(B) INELIGIBILITY

¶4. (SBU) Sources within the USG that are unknown to Post have alleged that Sjamsoeddin was involved with violent Muslim extremist groups in South Sulawesi in 2000. A search of all sources of information available at Post have not found any links between Sjamsoeddin and such groups.

ALLEGATIONS THAT MAY PERTAIN TO 3(E) INELIGIBILITY

15. (SBU) The Department's decision to review Sjamsoeddin's visa application may be based, in part, on alleged gross violations of human rights/extra-judicial killings in East Timor. Following are allegations which have been made against him followed by Sjamsoeddin's own explanation of his involvement/or lack of involvement in these incidents. The explanations below are taken from a note from Sjamsoeddin to the Embassy, delivered on October 13.

Allegation: 12 November 1991 - There are media and NGO reports which accuse Sjamsoeddin of directing the Santa Cruz massacre while serving as Special Forces Commander of an intelligence task force in East Timor.

Explanation: "Sjamsoeddin's above mentioned unit in East Timor was replaced on 9 November 1991. Sjamsoeddin states that at the time of he was alleged to have been involved in the massacre he was in fact involved in rescuing Australian and American journalists from Timorese TNI officials who were angered that the journalists had accused them of being involved in clandestine activities."

Allegation: May 1998 - There are media and NGO reports that accuse Sjamsoeddin of having allowed the violations of human rights to occur during the May 1998 riots, including the fatal shooting of four Trisakti University students. At that time he was Jakarta Military Commander and therefore some argue that he must assume "command responsibility" for what happened.

Explanation: "The police lost control of the situation and

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the military was called in to secure strategic areas. Sjamsoeddin acted in accordance with GOI law. At the request of the Indonesian Human Rights Commission, the GOI conducted a special investigation into the incident. The investigators issued a report which states that based on its investigation, MG Sjamsoeddin, acting in the position of Operation Command Commander, responded in line with the military plan of operations. The National Committee of Human Rights absolved Sjamsoeddin of any wrong doing."

Allegation: September 1999 - There are media, NGO, and eyewitness reports which place Sjamsoeddin in Dili when Indonesian soldiers allegedly fired on refugees. Assistant to Bishop Belo, Francisco Kalbuadi maintains that Sjamsoeddin was responsible for the disappearance of civilians in the conflict area. At the request of the prosecutor general of the United Nations Transitional Administration in East Timor (UNTAET), James Dunn, former Australian consul in East Timor, investigated allegations of gross violations of human rights committed by Indonesian security forces and militia groups. Dunn reported that further investigations would show that Sjamsoeddin was one of the key military officers responsible for the development of the Indonesian military strategy that led to alleged gross violations of human rights in East Timor.

Explanation: "In 2000 Sjamsoeddin explained to the Indonesian Investigative Commission into Human Rights Violations in East Timor/National Commission on Human Rights in East Timor what happened on 5 September 1999 when ten civilians were killed at the residence of Bishop Belo and was absolved of any wrongdoing."

THE NEXT STEPS

16. (SBU) Post recognizes that the Department and DHS will make a decision regarding these allegations against Sjamsoeddin in accordance with U.S. laws and regulations. We note that as a key advisor to the Indonesian president and possible cabinet appointee, Sjamsoeddin's travel to the United States would facilitate and strengthen U.S. - Indonesian ties. Sjamsoeddin provides guidance and counsel to President Yudhoyono on a number of issues of importance to

the U.S., such as mil-to-mil ties, which are a cornerstone of our efforts to ensure regional stability. Moreover, the USG has been working with the GOI to reform its military, and Sjamsoeddin is a key decision maker in this process. Sjamsoeddin's continued inability to travel to the U.S. will become an irritant in U.S.-Indonesian relations.

17. (U) We request that the Department review this information, make a determination of Sjamsoeddin's visa eligibility and advise us, if he is found ineligible, what recourse is open to Sjamsoeddin.

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